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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,708	07/31/2003	Vantresa Stickler	08049.0922	1594
7590 05/09/2011 Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, DC 20005-3315			EXAMINER FU, HAO	
			ART UNIT 3693	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/630,708

Applicant(s)

STICKLER, VANTRESA

Examiner

HAO FU

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-39, 41-62, 64-85 and 87-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-39, 41-62, 64-85 and 87-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ ~~Copies of the certified copies of the priority documents have been received in this National Stage~~
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILS ACTION

Response to Remarks

In response to applicant's amendment filed on 03/04/2011, examiner withdraws the previous rejections under 35 U.S.C. 101 and 35 U.S.C. 112 sixth paragraph.

Applicant has amended all independent claims, notably by adding "comparing the amount of the received payment from the verification database with a payment amount for the size and the weight of the item". Examiner submits that the primary reference Montgomery et al. does not teach this feature, and thus examiner cites a new reference, Sadler et al., to address this feature. Details regarding to this feature is discussed below.

Claim Rejection – USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-14, 16, 20, 22-37, 39, 43, 45-60, 62, 66, 68-84, 85, and 89-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery et al. (Pub. No.: US 2003/0101148), in view of US Patent Number 7,729,957 to Sadler et al.

As per claim 1, 24, 47, and 70, Montgomery teaches a method, implemented using a computer system, for providing a verifiable delivery payment coding, comprising:

receiving a payment for delivering of an item (see paragraph 0033 for example, the postage indicium comprises postage amount, which is a payment amount received by the postal service for delivering of an item; the postage indicium is generated prior to processing of the mail item means that the payment for delivery is received prior to processing; also see fig. 19 and fig. 22, it is inherent that a payment is received by the postal service entity for delivering an item);

transmitting, to a sender's computing device, verification data configured to be included in a delivery payment coding (see paragraph 0151-0152; indexing identifier, which is equivalent to verification data, is generated at centralized postage-issuing computer system and transmitted to end user's/sender's computing device; also see paragraph 0140 and fig. 19 and fig. 22, indexing identifier or verification data is included in barcode associated with postage amount; examiner interprets the coding show in fig. 19 and fig. 22 as delivery payment coding, because they show delivery payment information);

receiving the item in an item delivery system, the item comprising the delivery payment coding including the verification data (see paragraph 0154); and

obtaining, by the computer system, data from a verification database using the verification data as an index, wherein the data is distinct from the verification data and comprises an amount of the received payment (see paragraph 0155-0157; prior art retrieves a postage indicium from database by using the indexing identifier as an index, the postage scanning station then displays the content of the postage indicium, which includes mailing date, postage amount, origin of mail piece, and destination of mail piece; postage amount included in the postage indicium retrieved from the database is an amount of the received payment); and

wherein if the data obtained from the item matches the data obtained from the verification database, updating the verification database with a time or location of the item in the item delivery system (see paragraph 0159; prior art teaches that if the item matches the data obtained from the verification database, the mail item is then submitted for normal delivery processing, which includes mail item tracking; also see paragraph 0186-0191 for item tracking; examiner notes that one of ordinary skill in the art would understand that item tracking normally include updating the verification database with a time or location of the item, as it had been done by USPS, UPS, and FedEx prior to the present invention; also refers to US Patent Number 6,772,130 to Karbowski et al. for support of this fact).

Examiner notes however, Montgomery does not teach obtaining, by the computer system, data from the item, wherein the data comprises a size and a weight of the item; verifying, by the computer system, the authenticity of the delivery payment coding using the verification data by comparing the amount of the received payment

from the verification database with a payment amount for the size and the weight of the item.

Sadler teaches obtaining, by the computer system, data from the item, wherein the data comprises a size and a weight of the item (see Fig. 5, column 3, line 56-62, column 8, line 45 through column 9, line 15; the prior art obtains a size and a thickness of the item from measuring the actual item; it would have been obvious to one of ordinary skill in the art at the time of invention that "thickness" and "size" both describe the dimension of the item, and thus the two terms are interchangeable; furthermore, it would have been common knowledge to one of ordinary skill in the art at the time of invention that USPS measures the size and the weight of mail packages prior to shipment);

verifying, by the computer system, the authenticity of the delivery payment coding using the verification data by comparing the amount of the received payment with a payment amount for the size and the weight of the item (see column 9, line 33-61; the prior art calculates a payment amount for the size and the weight of the item according to a classification guideline, and then the prior art compares the received payment amount included in the delivery payment coding with the calculated payment amount to determine the authenticity of the delivery payment coding).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the Montgomery reference with the verification technique taught in Sadler to come up with obtaining data from the item, wherein the data comprises a size and a weight of the item, and verifying the authenticity of the delivery payment coding using the verification data by comparing the amount of the received payment from the verification database with a payment amount for the size and the weight of the item. Examiner notes that paragraph 0112 of Montgomery teaches storing the amount of the received payment ("associated postage information") in a database. Thus instead of comparing the received payment amount on the delivery payment coding as taught in Sadler, it would have been obvious to one of ordinary skill in the art to replace that with the payment amount stored in the database as taught in the primary reference.

The modification would have merely been applying a known technique, ie. comparing the amount of the received payment with a payment amount for the size and the weight of the item, to a known method, ie. mail processing, ready for improvement to yield predictable results, ie. to prevent payment fraud and to ensure sufficient postage is made for the delivery. One of ordinary skill in the art would have recognized that applying the known technique would have yielded predictable results and resulted in an improved method/system. It would have been recognized that applying the technique of Sadler to the teaching of Montgomery would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references shows the ability to incorporate such verification technique to similar method/system.

As per claim 2, 25, 48, and 71, Montgomery teaches wherein the verification data included in the delivery payment coding is machine readable (see abstract and paragraph 0152-0154).

As per claim 3, 26, 49, and 72, Montgomery teaches wherein the verification data included in the delivery payment coding is optically scannable (see abstract and paragraph 0152-0154; also see paragraph 0036, identifier could be read by an optical character reader).

As per claim 4, 27, 50, and 73, Montgomery teaches wherein the verification data is included in the delivery payment coding using at least one of a bar code and a PLANET code (see paragraph 0140 and 0152-0154).

As per claim 5, 28, 51, and 74, Montgomery teaches wherein the delivery payment coding is included in an address label (see fig. 19, fig. 22, and paragraph 0152).

As per claim 6, 29, 52, and 75, Montgomery teaches wherein the delivery payment coding includes a visual representation of a monetary value associated with the delivery payment coding (see fig. 19 and fig. 22).

As per claim 7, 30, 53, and 76, Montgomery teaches wherein the item delivery system comprises the United States Postal Service(see paragraph 0033, 0080, and 0088).

As per claim 8, 31, 54, and 77, Montgomery teaches wherein the item comprises at least one of a mail piece, a United States Postal Service Priority Mail package, a United States Postal Service Express Mail Package, a United States Postal Service Global Express Mail Package, and a United States Postal Service Global Express Guarantee Package (see paragraph 0033 and 0082, these service classes of USPS were well known to one of ordinary skill in the art).

As per claim 9, 32, 55, and 78, Montgomery teaches transmitting the verification data further comprises utilizing at least one of regular mail, email, internet, and an interactive voice response system (see paragraph 0134).

As per claim 10, 33, 56, and 79, Montgomery teaches transmitting the verification data further comprises communicating over a network (see paragraph 0134).

As per claim 11, 34, 57, and 80, Montgomery teaches wherein the verification data is provided in an encrypted format (see paragraph 0152, indexing identifier or verification data is printed as barcode, which is a form of encrypted format).

As per claim 12, 35, 58, and 81, Montgomery teaches receiving a request for the verification data included in the delivery payment coding (see paragraph 0035, 0038, and 0148).

As per claim 13, 36, 59, and 82, Montgomery teaches wherein at least one of receiving the request for the verification data included in the delivery payment coding and receiving the payment further comprises utilizing at least one of regular mail, e-mail, facsimile, internet, and an interactive voice response system (see paragraph 0134).

As per claim 14, 37, 60, and 83, Montgomery teaches wherein at least one of receiving the request for the verification data included in the delivery payment coding and receiving the payment further comprises communicating over a network (see paragraph 0134).

As per claim 16, 39, 62, and 85, Montgomery teaches delivering the item to a recipient; and confirming the item delivery using the verification data from the delivery payment coding (see paragraph 0180, 0184, and 0186-0191, prior art provides delivery status and confirmation using tracking number; see paragraph 0140 last sentence, tracking number could be used as indexing identifier).

As per claim 20, 43, 66, and 89, Montgomery teaches update indicating that the item is in route through the item delivery system to a recipient (see paragraph 0169, 0183, and 0187-0191).

As per claim 22, 45, 68, and 91, Montgomery teaches wherein transmitting verification data further comprises providing the verification data to a user through a user device, the user device configured to produce the delivery payment coding including the verification data (see paragraph 0151 and 0152).

As per claim 23, 46, 69, and 92, Montgomery teaches wherein the user device is located in at least one of a home, an office, a store, a retail center kiosk, and an office of an item delivery system operator (see paragraph 0151 and 0152, end user device is presumed to locate in a home or an office).

Claim 19, 42, 65, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery et al. (Pub. No.: US 2003/0101148), in view of US Patent Number 7,729,957 to Sadler et al. and US Patent Number 6,385,504 to Pintsov et al.

As per claim 19, 42, 65, and 88, Montgomery teaches verifying the authenticity of the delivery payment coding further comprises updating the verification database if it is determined that the verification data is valid (see paragraph 0157-0159). However, Montgomery does not explicitly teach the update indicates that the verification data has been used.

Pintsov teaches the update indicates that the verification data has been used (see abstract, column 3, line 39-55, "unique identifier" is equivalent to verification data; Pintsov further teaches "the carrier service may note this fact in the carrier records to prevent reuse of the unique identifier").

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the Montgomery reference with the teaching from Pintsov to include the update indicates that the verification data has been used. The modification would have merely been the use of known technique, ie. indicating that the verification data has been used, to improve a known method, ie. verifying the authenticity of delivery payment coding, to yield predictable results, ie. to prevent reuse of the verification data in fraudulent transaction. One of ordinary skill in the art would have recognized that applying the known technique would have yielded predictable results. It would have been recognized that applying the technique of Pintsov to the teachings of Montgomery would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references shows the ability to incorporate updating technique into similar products.

Claim 15, 18, 21, 38, 41, 44, 61, 64, 67, 84, 87, and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery et al. (Pub. No.: US 2003/0101148), in view of US Patent Number 7,729,957 to Sadler et al., and further in view of Official Notice.

As per claim 15, 38, 61, and 84, Montgomery does not explicitly teach wherein receiving the payment comprises at least one of sending a bill, debiting a checking account, debiting a credit card account, debiting a debit card account, and receiving cash.

Official Notice is taken that receiving the payment comprises at least one of sending a bill, debiting a checking account, debiting a credit card account, debiting a debit card account, and receiving cash is old and well known in the art. These payments methods would have been immediately recognized as old and widely used at the time of invention. USPS, FedEx, and UPS accept all the above payment methods.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the Montgomery reference with the teaching from Official Notice to include receiving the payment comprises at least one of sending a bill, debiting a checking account, debiting a credit card account, debiting a debit card account, and receiving cash. One of ordinary skill in the art would have been motivated to combine the references in order to provide payment option.

As per claim 18, 41, 64, and 87, Montgomery does not teach wherein verifying the authenticity of the delivery payment coding further comprises returning the item to a sender if it is determined that the verification data is invalid.

Official Notice is taken that returning the item to a sender if it is determined that the verification data is invalid is old and well known. USPS, FedEx, and UPS return items to senders if the delivery payment coding is not authentic. It would have been common sense to one of ordinary skill in the art to return the items to senders if the items are not properly paid.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the Montgomery reference with the teaching from Official Notice to include returning the item to a sender if it is determined that the verification data is invalid. One of ordinary skill in the art would have been motivated to combine the references in order to ensure the delivery is properly paid.

As per claim 21, 44, 67, and 90, Montgomery does not teach wherein the verification data is configured to be invalid after a period of time has passed after the verification data was provided.

Official Notice is taken that making verification data or identifier invalid after a period of time is old and well known in the art. Postal servicers often set an expiration time on data associated with mail items, so that they do not have to store an ever increasing amount of data. Postal servicers also do this to ensure sender mail out the items soon after the verification data is generated for a number of reasons, such as limiting the number of open or pending mail orders, preventing prepaying for future mail at current and presumably lower shipping cost, etc.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the Montgomery reference with the teaching from Official Notice to include verification data is configured to be invalid after a period of time has passed after the verification data was provided. One of ordinary skill in the art would have been motivated to combine the references in order to reduce the amount of data needed to be stored and to ensure sender mail out the item soon after the verification date is generated.

Prior Art Cited but not Applied

US Patent No.: 6,976,007 to Boucher et al. is cited because it teaches a tracking system which collects notification information from sender, updates the database regarding to the whereabouts of an item, and sends email notice to the sender regarding to the delivery status of the item.

US Patent Number 6,772,130 to Karbowski et al. is cited because it teaches a package tracking system and method in which a send and a recipient of a package are provided e-mail messages including information from a sender or carrier web page and the package location status (see abstract). As such, Karbowski updating the verification database with a time or location of the item in the item delivery system (see abstract, column 2, line 53-58, and especially column 3, line 52-65). This reference is cited to provide support that for the Montgomery reference that item tracking including updating a time or location of an item was known prior to the present invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAO FU whose telephone number is (571)270-3441. The examiner can normally be reached on Mon-Fri/Mon-Thurs 11:30am-8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES KRAMER can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hao Fu/
Examiner, Art Unit 3693

Hao Fu
Examiner
Art Unit 3693

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